

REMARKS

Claims 1-7, 9-14, 16, 18-21 and 26, as amended, and new claims 27-30 are pending in this application. In this Response, Applicants have amended certain claims in this response because Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

In particular, independent claims 13 and 16 have been rewritten to clarify the invention. In addition, various dependent claims have been amended to maintain consistency with the language now recited in the independent claims and claims 22-25 have been canceled. Finally, claims 27-30 have been added to recite additional embodiments of the invention that are fully supported by the Written Description. *See, e.g.*, Page 17, lines 5-6, Page 23, lines 10-13, and Page 30, line 12 to Page 31, line 26. As no new matter has been added by the amendments herein, Applicants respectfully request entry of these amendments at this time.

ALLOWABLE SUBJECT MATTER

Claims 1-7 and 9-12 are allowed. In addition, Applicants appreciate the Examiner's recognition of allowable subject matter in claims 14 and 23-26. In response, claims 13 and 16 have been rewritten to include the subject matter previously recited in claim 25 and claims 23-24, respectively.

THE REJECTION UNDER 35 U.S.C. § 103

Claims 13, 16, and 18-22 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,574,107 to Hiraoka *et al.* in view of U.S. Patent No. 6,465,573 to Maruko for the reasons set forth on page 2 of the Office Action.

Applicants respectfully disagree with the Examiner's rejection of these claims for the reasons previously discussed in responses filed August 31, 2006, March 7, 2006, and September 15, 2005. In sum, the Examiner continues to disregard the salient differences between the two references that would have prevented a skilled artisan from combining the references in the manner suggested by the Examiner (without the improper use of hindsight). In particular, the Examiner continues to overlook the fact that the processing and performance differences between the types of materials used in Hiraoka and Maruko would

have prevent a skilled artisan from combining the two references. In particular, Maruko teaches a mixture of a *thermoplastic* resin and a rubber powder, whereas Hiraoka is directed to a mixture of base rubber, *i.e.*, a *thermoset* material, and low levels of vulcanized rubber powder. Moreover, the Examiner deemphasizes Hiraoka's instruction to avoid using vulcanized rubber powder in amounts greater than 35 parts by weight (Col. 4, lines 15-21) and, instead, states her opinion that a skilled artisan would have found it obvious to use more than double this amount in view of Maruko.

Despite the flaws in the Examiner's rejection and in the interest of expediting allowance of the claims, Applicants have rewritten claims 13 and 16 to include subject matter indicated to be allowable. In light of these amendments, Applicants respectfully request reconsideration and withdrawal of the § 103 rejection based on the Hiraoka and Maruko combination.

CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner believes that the present amendments still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

A Petition for Extension of Time is submitted herewith to extend the time for response two months to and including March 20, 2007. No other fees are believed to be due at this time. Should any fee be required, however, please charge such fee to Bingham McCutchen LLP Deposit Account No. 195127, Order No. 20002.0269.

Respectfully submitted,

BINGHAM McCUTCHEN LLP

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